IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9437 OF 2004

Shivaji Marutrao Ghule .. Petitioner

Versus

Smt.Anjali Shivaji Ghule .. Respondent

Mr.V.B.Tapkir for petitioner

CORAM : S.C.DHARMADHIKARI, J.

DATE : 31st January 2006.

P.C.

. Heard Mr.Tapkir for petitioner.

2. This petition under Article 227 of the Constitution of India assails the order of

interim alimony in Marriage Petition No.154 of 2000.

3. As against wife's claim for interim alimony of Rs.3000/- and travelling expenses, the Court below has granted Rs.1000/- as interim maintenance and Rs.500/- towards travelling expenses/cost of proceedings. The only submission made by Mr.Tapkir is that the matrimonial petition is filed in the year 2000. Application for interim maintenance/alimony is also filed in the same year. Reply affidavit was also filed by respondent wife. She has accused petitioner of delaying the proceedings. Petitioner submits that this fact is not true and Mr.Tapkir urges that the order passed on maintenance application in August 2004 granting aforesaid sum from the date of filing of the application is unjustified as petitioner has not been found guilty of delaying the proceedings.

4. In my view, in the light of the submission of Mr.Tapkir that petitioner is paying maintenance amount of Rs.1000/- as directed and the only modification sought is the liability to pay arrears, interest of justice would be sub-served if petitioner is permitted to apply to the trial court for modification of the order of the trial court and upon materials, if produced and after hearing respondent wife, it would be permissible for the trial court to pass appropriate orders uninfluenced by the directions issued earlier. Petition disposed of accordingly.

(S.C.DHARMADHIKARI, J)